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FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC PRIORITY 1431  
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
RUEHUJA/AMEMBASSY ABUJA 1587  
RUEHAR/AMEMBASSY ACCRA 1454  
RUEHDS/AMEMBASSY ADDIS ABABA 1591  
RUEHRL/AMEMBASSY BERLIN 0258  
RUEHBY/AMEMBASSY CANBERRA 0855  
RUEHDK/AMEMBASSY DAKAR 1219  
RUEHKM/AMEMBASSY KAMPALA 1647  
RUEHNR/AMEMBASSY NAIROBI 4052  
RUEHFR/AMEMBASSY PARIS 1416  
RUEHRO/AMEMBASSY ROME 2074  
RUEHG/USMISSION GENEVA 0714  
RHEFDIA/DIA WASHDC//DHO-7//  
RHEHAAA/NSC WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/Joint Staff WASHDC  
RUCNDT/USMISSION USUN NEW YORK 1808  
RUEATRS/DEPT OF TREASURY WASHDC  
RUCPDOC/DEPT OF COMMERCE WASHDC  
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK//DOOC/ECMO/CC/DAO/DOB/DOI//  
RUEPGBA/CDR USEUCOM INTEL VAIHINGEN GE//ECJ23-CH/ECJ5M//

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000383

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AF/S FOR S. HILL  
NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN  
USAID FOR M. COPSON AND E. LOKEN  
ADDIS ABABA FOR USAU  
ADDIS ABABA FOR ACSS

E.O. 12958: DECL: 05/07/2017

TAGS: PHUM PGOV PREL ZI

SUBJECT: INTIMIDATION CAMPAIGN CONTINUES WITH ARREST OF  
HUMAN RIGHTS LAWYERS

REF: HARARE 00318

Classified By: Charge Eric Schultz under Section 1.4 b/d

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SUMMARY  
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¶1. (C) The government on May 4 arrested Alec Muchadehama and Andrew Makoni, two prominent human rights lawyers who have been representing 31 opposition officials arrested over the last six weeks. The two lawyers were charged with obstruction of justice. Police subsequently ignored a series of court orders granting the detainees access to their lawyers and ordering their release, while also conducting an illegal search of the detainees offices. As of May 7, both lawyers were still being held, though they have apparently not been harmed. Opposition leaders and political analysts believe the arrests of the lawyers and officials are part of the government's strategy to cripple the opposition in advance of elections in March 2008. The Lawyer's Society plans a protest march tomorrow afternoon, which we will observe. End Summary.

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Police Arrest and Threaten Human Rights Lawyers  
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¶2. (U) On May 4 outside the High Court in Harare, police arrested Alec Muchadehama and Andrew Makoni, two Zimbabwe Lawyers for Human Rights (ZLHR) lawyers representing 31 opposition members arrested and detained since March 11.

According to Irene Petras, ZLHR acting director, Muchadehama and Makoni were initially taken to the infamous Law and Order section at Harare Central police station for "interrogation." ZLHR lawyer Otto Saki told us that he and several other lawyers were threatened with arrest and physical assault when they attempted to see the lawyers and inquired about the reason for their arrests.

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And Show Contempt for Rule of Law  
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¶13. (U) On the evening of May 4, High Court Judge Karwi granted a temporary order compelling police to provide lawyers access to the two arrestees. Police ignored the order. On the morning of May 5, Judge Karwi found the arrests "unlawful" and ordered the immediate release of the two arrestees. Police again ignored the order, claiming they did not know the whereabouts of Muchadehama and Makoni. On the morning of May 6, High Court Judge Chitakunye granted a third order compelling police to physically deliver Muchadehama and Makoni within the hour to the High Court. Police yet again ignored the order.

¶14. (U) Instead of producing Muchadehama and Makoni in court on May 6 as ordered, police took them to their law offices and executed a search warrant, removing files and documents. ZLHR lawyers present contended that the search was clearly unlawful as all documents in the law offices were protected under attorney-client privilege. They were threatened with arrest and ordered to leave when they requested to review the search warrant.

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¶15. (C) Saki told us that ZLHR lawyers finally gained access to Muchadehama and Makoni on the morning of May 7. He reported that the two were in good condition and had not been beaten by police. Saki said Muchadehama and Makoni had been arrested for "obstruction of justice" as a result of affidavits they filed refuting claims by police that their clients were involved in a spate of recent petrol bombings -- attacks opposition leaders contend were actually carried out by the government to justify its violent crackdown. He said the Zimbabwean Lawyer's Society was planning a protest march for May 8 that would start outside the High Court.

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And Continue to Arrest and Beat Opposition Members  
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¶16. (SBU) On April 30, Mutare police arrested Pishai Muchauray, a spokesperson for the MDC anti-Senate faction. We have received reports that police beat him several times following his arrest. Muchauray joins a growing list of opposition members considered essential to election mobilization efforts targeted for arrest and assault by the government.

¶17. (SBU) Others key opposition members arrested since March 11 include Morgan Komichi, the deputy organizing secretary, and Elliot Motsi, the organizing secretary for the Harare suburb of Glen Norah, who were picked up at their homes on April 20. Also recently arrested were Solomon Madzore, secretary general of the faction's youth assembly group,

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Kudakwashe Matibiri, an essential member of the faction's logistics team, and Luke Tamborenky, a former journalist and number two person behind Nelson Chamisa, the faction's spokesperson. Notably, Ian Makone, special adviser to anti-Senate leader Morgan Tsvangirai with intimate knowledge of the faction's district-level leaders, remains in custody and there were reports that he has been severely injured as a result of torture.

¶ 8. (C) Press reports indicate that police released Muchauray on May 4 without charge. The other 31 opposition members remain in custody as prosecutors delay hearings and magistrates refuse bail. According to both MDC officials and independent political analysts, government security authorities have tortured arrestees to secure false confessions to petrol bombings, which they believe were in fact staged by the GOZ and blamed on the opposition. These sources said the government was also looking for additional names of individuals in the MDC structures to in turn arrest and torture.

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Adding Injury to Insult  
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¶ 9. (C) Records from Counseling Services Unit (CSU), an NGO that provides medical attention to victims of government abuse, show that since February some 60 activists have sought medical attention, many for serious injuries, as a result of beatings suffered during abduction and/or while in police custody. These records relate to individuals arrested and beaten and/or tortured or beaten without being arrested. The medical conditions of many of those still in custody are

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unknown.

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Comment  
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¶ 10. (C) The court rulings in favor of Muchadehama and Makoni show that despite government intimidation there are still independent judges in Zimbabwe. Faced with this independence, the government appears to be casting aside any pretence of legality in its efforts to suppress political opposition in advance of next year's elections.

SCHULTZ